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Sunset Commercial LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

BAYER CROPSCIENCE, INC., a New York
Corporation; MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA, a
Delaware Corporation; ATLANTIC
RICHFIELD COMPANY, a Delaware
Corporation; OLIN CORPORATION, a
Virginia Corporation, TITANIUM METALS
CORPORATION, a Delaware Corporation;
NL INDUSTRIES, INC., a New Jersey
Corporation; LE PETOMANE XXVII, INC.,
an Illinois Corporation, in its representative
capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE; and the UNITED STATES OF
AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
PLAINTIFF TO RESPOND TO
DEFENDANTS UNITED STATES' AND
ATLANTIC RICHFIELD COMPANY'S
MOTIONS TO DISMISS AND
DEFENDANTS' REPLY DEADLINES
THERE TO
(ECF NO. 64 and 65)**

(First Request)

Plaintiff Sunset Commercial LLC ("Sunset" or "Plaintiff"), Defendant United States of
America and Defendant Atlantic Richfield Company (collectively "Defendants"), by and through
counsel of record, and consistent with LR IA 6-1(a), hereby stipulate and agree as follows:

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On May 13, 2024, Defendant United States of America (“United States”) filed its Motion to Dismiss (ECF No. 64) and on the same date Defendant Atlantic Richfield Company filed its Motion to Dismiss (ECF No. 65) both joining the United States’ Motion to Dismiss and separately moving to dismiss Plaintiff’s state law claims. Counsel for Defendants with pending motions to dismiss and counsel for Plaintiff have agreed that Plaintiff shall have up to and including **July 3, 2024**, to file an Opposition to Defendants’ Motions to Dismiss. Counsel for Defendants with pending motions to dismiss and counsel for Plaintiff have also agreed that the Defendants with pending motions to dismiss shall have up to and including **July 24, 2024**, to file a Reply in Support of Defendants’ Motions to Dismiss.

This is the first requested extension of this deadline and is made in good faith and not for purposes of delay. *See* LR IA 6-1(a).

The parties seek to abide by this Court’s “Standing Order” filed on December 19, 2023 (Docket Entry No. 9), stating that “Judge Navarro will generally deny a stipulation or motion for a continuance or extension of time which lacks justification,” and that “[s]uch requests may be granted only in extraordinary circumstances if just cause is presented.” The parties to this Stipulation therefore identify the following points of justification that show just cause exists for granting the Stipulation:

1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above on December 14, 2023, seeking judgment against all Defendants for contribution damages “for response costs in accordance with CERCLA Section[] 107(a),” (*see* Complaint “Prayer for Relief” ¶ 1), meaning at least a portion of the Complaint’s allegations (and especially its first two Claims for Relief) necessitate proceeding against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
2. Several parties have exchanged settlement proposals and need more time to evaluate the proposals and continue discussions; extending the briefing deadlines for the motions to dismiss will allow the parties to focus on facilitating those discussions;
3. The parties to this Stipulation agree it would be fair, not only to themselves but to the other Defendants, and efficient to allow Plaintiff to file a combined Opposition

1 to the United States’ Motion to Dismiss and Atlantic Richfield’s Motion to Dismiss
2 on or before July 3, 2024;

3 4. The parties to this Stipulation also agree it would be fair and efficient to allow
4 Defendants with pending motions to dismiss to file their separate Replies in Support
5 of Defendants’ Motions to Dismiss on or before July 24, 2024; and

6 5. Discovery has not yet commenced in this case and extending the deadline for
7 Plaintiff to file an Opposition to Defendant’s Motion to Dismiss would therefore not
8 prejudice any other party to this case, nor would it affect any other deadlines at this

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1 early stage in the proceedings.

2 DATED: June 17, 2024.

3 PARSONS BEHLE & LATIMER

4 By: /s/ Richard J. Angell

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DATED: June 17, 2024.

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Atlantic Richfield Company

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Dated: June 17, 2024

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 17th day of June, 2024, I filed a true and correct copy of the foregoing document, **STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR PLAINTIFF TO RESPOND TO DEFENDANTS UNITED STATES' AND ATLANTIC RICHFIELD COMPANY MOTIONS TO DISMISS AND DEFENDANTS' REPLY DEADLINES THERETO (ECF NO. 64 and 65) (FIRST REQUEST)**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

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